IN RE: PETITION FOR SPECIAL EXCEPTION

E/S Sihler Oaks Trail, 295' +/- N centerline of Mink Hollow Court 2nd Election District 3rd Councilmanic District

(4307 Sihler Oaks Trail)

* DEDITY 70

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 02-277-X

BEFORE THE

Mary M. & Edward M. McFadden Petitioners

* * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owners of the subject property, Edward and Mary McFadden. The Petitioners are requesting a special exception for property they own at 4307 Sihler Oaks Trail. The special exception request is to approve a professional office for a certified public accountant in a D.R.3.5 zone.

Appearing at the hearing on behalf of the special exception request were Edward and Mary McFadden, owners of the property and Paul Lee, professional engineer with Century Engineering. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this special exception request, consists of 0.229 acres, more or less, zoned D.R.3.5. The subject property is improved with a 2-story, single-family residential dwelling. Mrs. McFadden is a certified public accountant and is desirous of locating an office within her home. She has physical limitations which prevent her from maintaining a full-time practice outside her residence. Therefore, she wishes to operate an office from within her home in the area as shown on the floor plan submitted on Petitioners' Exhibit No. 1. Her hours of operation are fairly limited and the amount of traffic that will come and go to her property minimal. Testimony further revealed that she consulted with her surrounding neighbors and the board of directors of her community

21262

association, all of whom have no objection to this request. Having considered the testimony and evidence offered, I find that the special exception should be granted to allow Mrs. McFadden to operate a professional office within her home.

It is clear the Baltimore County Zoning Regulations permits the Petitioners' use in an D.R.3.5 zone by special exception. It is equally clear that the proposed use is not detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioners had the burden of adducing testimony and evidence which shows that the use meets the prescribed standards and requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations. The Petitioners have shown that the use is conducted without real detriment to the neighborhood and does not adversely affect the public interest. The facts and circumstances do not show that the use at this particular location described by Petitioners' Exhibit No. 1 has any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The use is not detrimental to the health, safety, or general welfare of the locality, nor tends to create congestion in roads, streets, or alleys therein, nor is it inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the B.C.Z.R.

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief request in the special exception shall be granted.

THEREFORE, IT IS ORDERED this day of March, 2002, by this Deputy Zoning Commissioner, that the Petitioners' Request for Special Exception, to approve a professional

office for a certified public accountant in a D.R.3.5 zone, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioner shall be prohibited from allowing any clients or customers to park their vehicles on the panhandle driveway which services this property.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

IMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj





Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

March 12, 2002

Mr. & Mrs. Edward M. McFadden 4307 Sihler Oaks Trail Owings Mills, Maryland 21117

> RE: Petition for Special Exception Case No. 02-277-X Property: 4307 Sihler Oaks Trail

Dear Mr. & Mrs. McFadden:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Special Exception has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Office of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours, Muthy 16 troco

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure

c: Paul Lee, P.E. c/o Century Engineering 32 West Road Towson, MD 21204



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at	4307	SIHLER	OAKS	TRAIL
~ - •				

which is presently zoned <u>DR 3.5</u>
This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

FOR PROFESSIONAL OFFICE IN A DR 3.5 ZONE (CERTIFIED PUBLIC ACCOUNTANT #9340)

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract/Runchaser/Less	eex x en	GINEER:	<u>Legal Owner(s):</u>		
PAUL LEE, CENTURY ENG	NEERING	, INC.	EDWARD M. McFADDEI	N	
Name - Type or Print		·	Name - Type or Print	modal	ll
Signature			Signature		
32 WEST ROAD	410	-823-8070	MARY M. McFADDEN		
Address		Telephone No.	Name - Type or Print		
TOWSON, MD	State	21204 Zip Code	Many M. Me Signature	<u>focktenu</u>	
Attorney For Petitioner:	Otalic	2.p 0000	4307 SIHLER OAKS	rati. 443	-394-8099
- ttorney i or Fetitioner.			Address	113	Telephone No.
			OWINGS MILLS	MD	21117-4891
Name - Type or Print			City	State	Zip Code
			Representative to be (Contacted:	
Gignature		***************************************			
1.00			PAUL LEE, CENTURY	ENGINEERIN	G, INC.
iombau's			Name		
nympany gdress S			32 WEST ROAD	41	0-823-8070
garess 3		Telephone No.	Address		Telephone No.
7 3	01-1-	7:- 0	TOWSON	MD State	21204 Zip Code
in C 2	State	Zip Code	City	State	Zip Code
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Z 4 \ 4			Reviewed By JRF	Date	1-3-02
20 091151981			•		

4307 SIHLER OAKS TRAIL ELEC. DIST 2 - BALTIMORE COUNTY, MD

Beginning for the same at a point on the east side of Sihler Oaks Trail, said point also being located northwesterly 295'± from the center of Mink Hollow Court, thence running with and binding on said east side of Sihler Oaks Trail; 1) N 18° 36' 26" west - 10.00', thence leaving the east side of said road for the 5 following courses end distance, 2) N 71° 23' 34" east - 120.50', 3) N 82° 38' 44" east - 45.24', 4) S 48° 08' 32" east - 83.51', 5) S 54° 21' 19" west - 102.35', 6) N 34° 54' 55" west - 105.73', and 7) S 71° 23' 34" west - 78.50' to intersect the east side and Sihler Oaks Court and said point of beginning.

Containing 9.975 S.F. of land more or less.

Wfile\Login2\Land-Dev\LD01\desc\SihlerOaksTrail-PL-12-11-01



BALTIMORE COUNTY, MARY OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	(LAND No	08816	PAII PAYMENT	2 1/03/2002 10:03:34
DATE	ACCOUNT 001-00 AMOUNT \$ 300.00	<u> </u>	>>REGELIPT 1 Dept 5 CR 10. 000	CASHIER SWAL SHW DRAWER 2 1.186306 528 ZONING VERIFICATION 1816 Recet Tot 300.00 1.00 CK .00 CA 1.18000 COUNTY Maryland
PROM:	OAKS TRAIL	THEM # 27 TAKEN BY:	Jap	
DISTRIBUTION NAME OF ASSISTED PINK - AGENCY	YELLOW - CUSTOMER	,	,	CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as Jollows:

Case: #02-277-X
4307 Sihler Oaks Trail
E/S Sihler Oaks Trail, 295'
+/- N centerline Mink HolJow Court
2nd Election District
3rd Councilmanic District
Legal Owner(s):
Edward C, Fadden
Special Exception: to use
the property for professional office in a D.R.3.5
zone (CPA).
Hearing: Friday, March 8,
2002 at 9:00 a.m. in Room
407, County Courts BuildJung, 401 Bostey Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County
NOTES; (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

2/231 Feb. 21 C521610

CERTIFICATE OF PUBLICATION

2/21/2002
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on <u>221,2002.</u>
☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE Case No 02-277-X Petitioner Deve open MEFADDEN ETAL YO PAUL LEE Date of Hearing Closing 3/8/02

Ballmore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention Vis Gwendolyn Stephens / MR. GEORGE ZAHNER

Ladies and Gentlemen

it' Fax Note Date 7671 7 of ⊳ CO, DEDI. ZONING COMM. Phone : 666-5366 666-0929

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law ere posted conspicuously on the property located at #4307 SHLER OAKS TRAIL

The sign's) were posted on

CASE #_02-277-X A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD PLACE: ROOM 407, COLVETY COURTS BLOG- 401-BUSLEY AVE DATE AND TIME: FRIDAY MARCH 8,2002 8900AM, SPECIAL EXCEPTION TO USE THE PROPERTY FOR PROFESSIONAL OFFICE IN A DR 35 ECNE (CPA)

4307 S.H.EZ CAKS TRAIL-MS FADDEN.

POSTPONEMENTS OUE TO MEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PEXALTY OF LAW. HANDICAPPED ACCESSIBLE

Strogrely.	1.00eDest. 2/22/02	ب
(Signature of	Sign Poster and Date)	

PATRICK M. O'KEEFE (Printed Name)

523 PENNY LANE (Address)

HUNT VALLEY, MD. 21036 (City, State, Zip Code)

410-666-5366 ; CELL-610 905-957 (Telephone Number)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 02 -277-X
Petitioner: EDWARD M. & MARY M. MCFADDENS
Address or Location: 4307 SIHLER DAKS TRAIL
PLEASE FORWARD ADVERTISING BILL TO: Name: EDWARD M. & MARY M. MC FADDE N
Address: 4307 SIHLER DAKS TRAIL
OWINGS MILL, MD 21117-4891
Telephone Number: 443-394-8099

PATUXENT PUBLISHING COMPANY TO:

Thursday, February 21, 2002 Issue - Jeffersonian

Please forward billing to:

Edward M McFadden 4307 Sihler Oaks Trail Owings Mills MD 21117-4891

443 394-8099

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-277-X 4307 Sihler Oaks Trail

E/S Sihler Oaks Trail, 295' +/- N centerline Mink Hollow Court

2nd Election District – 3rd Councilmanic District

Legal Owner: Edward C Fadden

Special Exception to use the property for professional office in a D.R.3.5 zone (CPA).

HEARING: Friday, March 8, 2002 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

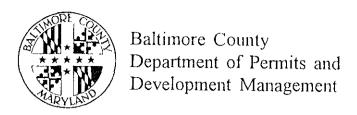
LAWRENCE E. SCHMIDT G DZ

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S

OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

January 30, 2002

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-277-X 4307 Sihler Oaks Trail

E/S Sihler Oaks Trail, 295' +/- N centerline Mink Hollow Court

2nd Election District – 3rd Councilmanic District

Legal Owner: Edward C Fadden

Special Exception to use the property for professional office in a D.R.3.5 zone (CPA)

HEARING:

Friday, March 8, 2002 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

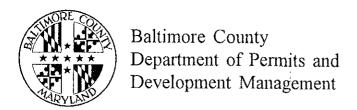
Arnold Jablon ()2 Director

C: Mary M & Edward M McFadden, 4307 Sihler Oaks Trail, Owings Mills 21117-4891 Paul Lee, Century Engineering Inc, 32 West Road, Towson 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, FEBRUARY 21, 2002.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

March 1, 2002

Mary M & Edward M McFadden 4307 Sihler Oaks Trail Owings Mills MD 21117

Dear Mr. & Mrs. McFadden:

RE: Case Number: 02-277-X, 4307 Sihler Oaks Trail

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 3, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorncy, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. 697 Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Paul Lee, Century Engineering Inc, 32 West Road, Towson 21204 People's Counsel

A318

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 28, 2002

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for February 4, 2002

Item No. 277

The Bureau of Development Plans Review has reviewed the subject zoning item.

The property for this special exception is known as a panhandle lot. Per the Development Regulations, Section 26-266 Panhandle driveways Item No. 9. "No parking shall be permitted along a panhandle driveway". Parking spaces must be shown on site to satisfy the parking requirements.

RWB:HJO:cab

cc: File

ZAC-2-4-2002-ITEM NO 277-02282002.doc



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

January 31, 2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF January 28, 2002

Item No.: 265, 266, 272, 277, 281, 286, 288, 291, & 292

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File

80 3/8

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

Todd Taylor

DATE:

March 1, 2002

Zoning Advisory Committee Meeting of January 28, 2002

SUBJECT: NO COMMENTS for the FOLLOWING ZONING ITEMS:

263 - 265, 268, 271, 272, 275 - 277) 279 - 281, 283, 284, 286, 287, 290 - 292

Agricultural Preservation is still reviewing Zoning Items: 270, 273, 278, and 288.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 22, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-277,02-294, 02-295, 02-296

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief:

AFK/LL:MAC



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

JRE

Date: 1.29.02

Baltimore County Item No. 277

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

Dear. Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

RE:

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

1. J. Gredle

RE: PETITION FOR SPECIAL EXCEPTION 4307 Sihler Oaks Trail, E/S Sihler Oaks Tr, 295' +/- N of c/l Mink Hollow Ct 2nd Election District, 3rd Councilmanic

Legal Owner: Edward M. & Mary M. McFadden Petitioner(s)

- BEFORE THE
- ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 02-277-X

* * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of January, 2002 a copy of the foregoing Entry of Appearance was mailed to Paul Lee, 522 Holden Road, Towson, MD 21286, representative for Petitioners.

ETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

Faul See	32 West Rood 21204
Mary Mcfadden EMMalch	4307 Silver Oaks Trail Dwings Mills

